



Pennsylvania Forest Products Association

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Water Docket
Environmental Protection Agency
Mailcode 28221T
1200 Pennsylvania Ave, NW
Washington, DC 20460
Filed electronically via regulations.gov

RE: Draft Total Maximum Daily Load (TMDL) for the Chesapeake Bay
Comments on Docket # EPA-R03-OW-2010-0736

On behalf of Pennsylvania's forest products industry, please find the following comments regarding EPA's draft TMDL for the Chesapeake Bay. Pennsylvania's forest landowners, forestry professionals, timber harvesters and wood processors have taken steps to improve water quality while producing forest products to meet the needs of American and global consumers, generating jobs and contributing to the local economies within the Chesapeake Bay watershed. According to the Pennsylvania Integrated Water Quality Monitoring and Assessment Report prepared and submitted to EPA by the Pennsylvania Department of Environmental Protection, silviculture and logging roads were identified as the source of impairment on less than two-tenths of one percent of the state's impaired stream miles.

1. Forest Sector Allocations - The Draft TMDL provides the states with allocations for various sectors, including forests. As we understand, the required reduction targets for sectors are proportional to the base load allocation. In the case of the forest sector, this allocation and proportional load reduction is problematic. Pennsylvania forest sector has been identified as the source of 20 percent of Pennsylvania's nitrogen allocation, 14 percent of the phosphorus allocation and 18 percent of the sediment allocation. Only a small portion of this is attributed to harvesting activities subject to land management practices. The vast majority of the allocation is attributed to air deposition on non-harvested forests. While the loading rate for non-harvested forests is the lowest of any land-use category in the Bay model, the sheer number of forested acres in Pennsylvania's portion of the Bay watershed results in a significant load. We feel that the presentation of this information in the TMDL and subsequent state WIP leads users and the public to incorrectly conclude that forest management is a significant source of nutrient and sediment pollution.

The ability for Pennsylvania's WIP to implement a reduction of the emissions from this sector is extremely limited. Pennsylvania must rely upon implementation of air reduction emission from EPA and other entities outside of its control to address air quality improvements from upwind states. As such, it is doubtful that the required proportionate reductions from the forest sector are even possible. Additionally, we believe that the inability to achieve the necessary reductions from non-harvested forests forces a greater burden of reductions on harvested forest activities and other sectors. In short, forests should be a desirable land-use, but in the Draft TMDL, they are an impediment to a state's

successfully implementing its WIP. EPA should address this issue, preferably by revising the TMDL to relieve the states of their responsibility of reducing emissions caused by air deposition on non-harvested forests. Otherwise, the TMDL should redistribute forest allocations to other sectors within states to better reflect the realities of how forests contribute to emissions to the Bay.

2. State Flexibility – States must be given as much flexibility as possible within their WIP to meet the TMDL. Specifically, Pennsylvania should only be required to meet its gross load allocation, without also meeting specific geographic and sector load allocations. The situation outlined in our first comment provides sufficient evidence for why this flexibility is necessary.

3. Need to Revise the Bay Model's Treatment of Forestry – We concur with the October 18, 2010 letter signed jointly by PA DEP and PA DCNR (attached) that questions the Bay model assumption that 100 percent of nutrients and sediment on a harvested forest acre without BMPs are being deposited into the Bay. As stated, this model assumption does not reflect reality and must be corrected in the next model revision. As indicated, this erroneous assumption penalizes both non-BMP harvests and undercounts the nutrient load reductions from forest harvest BMPs.

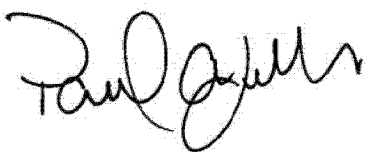
We also concur with Recommendation 2 in the DEP/DCNR letter, which seeks a revision of the model to capture a greater range of BMPs related to both harvested and non-harvested forests.

Additionally, we request that EPA reconsider its use of BMP effectiveness rates that are more conservative than what is suggested by literature studies such as Edwards and Willard (2010) and others.

4. Process, Timetable and Public Comment – The Pennsylvania Department of Environmental Protection has made an effort at soliciting the feedback and assistance from stakeholder such as ourselves throughout the development of the WIP. As a stakeholder, we feel that the timetable established by EPA has been overly ambitious and its accelerated nature has been an unnecessarily detriment to the development of Pennsylvania's WIP, resulting in needless conflict as it relates to EPA's evaluation of Pennsylvania's WIP deficiencies and threats of backstop allocations. We feel that EPA has failed to appreciate the budget constraints being experienced by states during this WIP development process. We found the delays in EPA providing state's with the final draft sediment load allocations to be detrimental to the development of the WIP. We also find lack of information on the specifics of the Bay model an obstacle for stakeholders and the public when providing comment on the TMDL and state WIP. We would ask that EPA revise ease its timetable through the remainder of the process to support the development a better product.

Thank you for the opportunity to comment on the Bay TMDL. Please do not hesitate to contact us for additional detail or clarification of our comments.

Paul Lyskava



Executive Director